

Outline Section:

Author
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Billings
Cornwell
Blakey

Read		Approved	
Initial	Date	Initial	Date
BC	11/25		

My comments are in the text. (S)

p. 8.? ~~p. 14?~~ ~~p. 16?~~ ~~p. 17?~~ ~~p. 22?~~ ~~p. 25?~~ 23

Was O Sec. only office to receive & telegrams.
- don't know

p. 6. almost identical?

Did we ask BOB when Jones were placed in file?

p7. In

p. 4 - explicit basis.

JFK BOX 24

FOUNDER 23

1

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~~TOP SECRET~~

CIA HAS NO USE AND/OR
 RELEASE OF THIS DOCUMENT

Classification:

Team 5

(This form is to be used for material extracted
 Issue A - #2 Opening of LHO's 201 file
 from CIA-controlled documents.)

Issue:

The Warren Commission reported that
 On Saturday, October 31, 1959, Lee Harvey
 Oswald appeared at the American Embassy in Moscow
 where he expressed his desire to renounce his
 U.S. citizenship and to become a citizen of the
 Union of Soviet Socialist Republics. (Warren
 Report, p. 747.) Oswald's intentions were first
 announced to the receptionist at the Embassy and
 then to the consul, [Richard E. Snyder], in the
 presence of his assistant, John E. McVickar.
 (Ibid., p. 747.) During this visit, Oswald also
 told Snyder that he had been an electronics
 specialist in the Marines and that he intended
 to convey his specialized knowledge to the Soviet
 government. (Warren Commission Exhibit 909, 18 H 101.)

Immediately after this unusual occurrence,
 several communications regarding Lee Harvey Oswald
 were issued from the Embassy in Moscow and dis-
 seminated to various federal agencies within the
 United States. [The Central Intelligence Agency
received at least two of the initial State Department

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from CIA-controlled documents.)communications regarding Oswald's detection.

(Warren Commission Exhibit 2752, 26 H 131.)

State Department Telegram No. 1304, dated 31
October 1959 stated that Oswald had recently been dis-
charged from the Marine Corps and that he had
offered Soviets any information he had acquired
as an enlisted radar operator. (Warren Commission
Exhibit 910, 18 H 105.) The other, Foreign
Dispatch No. 234, dated 2 November 1959, sets
forth the details of Oswald's meeting with Snyder.
(Warren Commission Exhibit 908, 18 H 97.)

Two other Naval communications contain
routing indicators that they were sent to the CIA. *
One, dated 3 November 1959 from the Legal Attache
in Moscow states that Oswald "has offered to furnish
Soviets info he possesses on U.S. radar" (Warren
Commission Exhibit 917, 18 H 115) while a 4 November
1959 cable from the Commanding Naval Officer to
the Legal Attache in Moscow describes Oswald's
military status and background. This cable advises
that while Marine Corps Headquarters showed no
record of Oswald's clearance, there was a possibility

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that Oswald did have access to CONFIDENTIAL information in his position as an aviation electronics operator. (Warren Commission Exhibit 918, 18 H 116.)

Despite the fact that the CIA received this information ^{about} ~~that~~ Oswald, ^{beginning as early as Oct. 1959,} a former Marine

Corps radar operator, had defected to the Soviet Union and offered his knowledge of U.S. military information to the Soviets, the CIA told the

Warren Commission that it did not open a 201 file on Oswald until December 9, 1960. The HSCA sought to determine whether this representation to the Warren Commission was correct, and, if so, ^{he} ~~was~~, to determine why there was a delay of almost thirteen months between receipt of the information and the opening of a file on a person who posed a possible counterintelligence threat to the United States.

A review of Oswald's 201 file in its present form indicates that it contains the following documents dated prior to 9 December 1960:

1. State Department Telegram No. 1304 dated October 31, 1959;

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Make explicit our focus. Does 18 mo

delay suggest anything

which is about LHO - CIA connection.

was there really directly on earlier file.

why caps?

1959.

should be defined.

Just reorganize so that 201 files coordination for new beginning.

State HSCA investigative procedure

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- * 2. Newspaper article from The Washington Post dated November 1, 1959;
3. A CIA internal note dated 2 November 1959
- * regarding oral FBI request for a name check and negative reply dated 4 November 1959;
- * 4. Foreign Service Dispatch No. 234 dated 2 November 1959;
- * 5. State Department Telegram No. 1358 dated 9 November 1959;
- * 6. State Department Telegram No. 1448 dated 9 November 1959;
- * 7. Newspaper article from The Washington Post dated 16 November 1959;
- * 8. Newspaper article from The Evening Star dated 26 November 1959;
9. Letter from J. Edgar Hoover, dated 25 May 1960 enclosing FBI reports;
10. Internal CIA Biographic Profile dated circa date May 1960;
11. Letter from the Department of State (Cummings) to DDP (Bissell) dated 25 October 1960;

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12. Response from DDP to Department of State
 dated 21 November 1960.

These documents are among those that the CIA told
 the Warren Commission it possessed in its file on
 Oswald prior to the Kennedy assassination. (CIA FOIA
 Document #590-252) However, review of the 201 file
 revealed that this file contains only photostatic
 copies of these documents rather than the originals.
 It also revealed that the two naval communications
 dated November 3rd and 4th, 1959, do not appear in
 the file.

↓
 Explain
 why?
 Perhaps
 this
 should go
 in
 letter.

The HSCA requested that the CIA provide a ^{both}
 list of documents in its possession regarding Lee
 Harvey Oswald ^{(as well as} ~~and any of~~ his aliases) prior to the
 opening of Oswald's 201 file as well as an
 indication of where each document was located within
 the Agency prior to that date. (Letter from HSCA to
 CIA, 3/9/78.)

no
 new
 #

What
 does
 list
 support
 go
 to
 be?

↪ To date, the Agency has responded by providing
 a listing from the Deputy Directorate for Operations
 and one from the Office of Security. The DDO explained
 that its records do not consistently indicate when
 each document was received by the CIA. At the

particular

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time of the Kennedy assassination, the DDO ran a records check and came up with a comprehensive listing of documents held at that time, but the Directorate is unable to determine specifically which documents it held prior to the opening of the file. (Note: This was the original explanation as written by Russ Holmes, but it's no longer available to the HSCA.)

The Office of Security also responded by providing a listing of the contents of its Oswald file at the time of the assassination which was almost identical to the one provided by the DDO. These documents, which were primarily the originals of the documents received by the Agency, were maintained in an "MS" file on Oswald. "MS" files were miscellaneous files used by the Office of Security on subjects other for anything other than employee files. (HSCA Staff Summary of interview of CIA employee, 6/13/78, p. 2.) Any document or newspaper clipping regarding a matter of a security nature could be cause for opening an MS file to be used for future reference. (Ibid.)

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(ms)
The Office of Security file on Oswald bears no indicator as to when the file was opened, nor is there a clear indication on any of the documents as to when they were received by that office. Some of the documents contain handwritten notations but the HSCA has been unable to identify the writing on the first document, a newspaper clipping, to determine if the writer was the person who opened the file and if so, when this was done.

The HSCA inquired as to the CIA's dissemination and record-keeping procedures for non-CIA documents received during the period 1959 - 1963. FW

In an effort to determine what components would have received these early State Department and Navy documents regarding LHO, The Agency's response indicated that it is impossible to make such a determination at this point in time. According to the CIA reply, dissemination of both CIA and non-CIA documents has always been on the basis of formalized, written dissemination requirements levied by each office in keeping with its mission and functions. (CIA Memorandum, Director of Central Reference to NEAC Records Management Office, 9/18/73.)

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These requirements are submitted to the Office of Central Reference where they are utilized by professional document analysts who read the incoming documents, match the contents against the requirements and mark the documents for dissemination within the Agency. (Ibid.)

In regard to the procedures for maintaining records on dissemination, the CIA provided the following explanation:

"Dissemination records for non-CIA documents sent to CIA requesters by OCR are maintained whenever one or both of the following conditions exists: (1) the national security classification of the documents is above a certain level; (2) the documents are of a type subject to formalized archival storage regulations. Archival retention of records relating to document dissemination is currently established at 5 years. Records of dissemination for documents received from 1959-1963 should have been destroyed prior to the records destruction moratorium presently in force." (Ibid.)

Thus, even if the documents regarding Lee Harvey Oswald met the conditions that required dissemination records, those records would have been destroyed well over ten years ago. It is therefore impossible

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?
 Does this
 answer other
 questions
 not do
 nothing?

Confidential

← CIA
 smoke
 mirror
 show

Does this
 explain
 category #1?

Footnote

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 At this late date?

to determine in this manner which offices received the documents in question.

→ The problem that exists here is that the Office of Security ~~is not known to open~~ 201 files as those files are a means of identifying persons of interest to the Operations Directorate (or the Clandestine Service in 1959). (Deposition of LARSON William Larson, 6/27/78, p. 9.) Nor is the Office

of Security known to pass information to the Operations Directorate for the purpose of a 201 file opening. (Ibid., p. 10.) Consequently, if

a document is routed only to the Office of Security, as it appears the 31 October 1959 cable may have been, there may be no action taken on it. The

Office of Security may open a file on the person involved which would be consulted if that individual were to seek employment with the CIA. However, it is possible and even probable, that the document would not go to a component, such as the Soviet Russia Division or the Counterintelligence Staff, that would actively take notice of the person's

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Clarify

Identify position.

for example,

Note this

O/S does not open 201 files how it's own registry

Correct

doc Office Sec has original

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activities.

*I think
+ think
position
is
relatively
clear.*

The Agency position is not entirely clear
as to the importance of the information contained
in such a document as the 31 October 1959 cable.

Some of the CIA personnel deposed by the HSCA
expressed a belief that the information in the
cable was not terribly important in and of itself.
Is this their choice of words?

(Deposition of B. Hugh Tovar, 6/29/78, p. 31.)

However, persons associated with the Deputy Director
of Operations agree that the substance of the document
merits attention and that this document alone would
have been sufficient to warrant the opening of a
201 file on Oswald. (Deposition of William Larson,
6/27/78, p. 48; Deposition of Richard M. Helms,
9/9/78, p. 6; Deposition of Birch D. O'Neal, 7/20/78,
p. 34.)

*Also
Any known.*

The CIA was requested to provide a statement
regarding the criteria utilized by the Agency in
opening 201 files on individuals during the years
1958-1963. (HSCA Letter to CIA, 2/21/78.) The
Agency's response consisted of providing two sets
of written regulations. One set of regulations

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was effective as of 15 February 1960 and the other was effective as of 15 November 1974. The CIA maintains that there are no written regulations in effect prior to those of February 1960 and explains that those were included to reflect the situation as it existed in the period 1958-1964. (2/28/78 Memorandum attached to "CIA Response to HSCA request of 21 February 1978.")

The earlier set of regulations is primarily a basic statement of the definition and purpose of 201 numbers rather than a detailed statement of criteria for opening such files. The substance of the document is as stated below:

"A relatively small portion of the total number of personalities indexed by the CS (Clandestine Service) are of active operational interest at any given point in time. These are normally subjects of extensive reporting and CI investigation, prospective agents and sources, and members of groups and organizations of continuing target interest. Each of these personalities is assigned either a 201 number or an IDN number." (CIA's

Classification: Clandestine Service Handbook, 43-1-1,

2/15/60, p. 43.)

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Use
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in
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nature +
purpose of
201
#12.

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It is explained that the 201 number serves the purposes of bringing the files on these individuals into the Clandestine Services' records system, serving as a means of identification in future reporting on the individual and providing a means for producing machine listings concerning individuals who fall into particular geographical and functional areas of interest. (Ibid.) The

* IDN number was explained as being of use in identifying persons who lack sufficient interest or information to warrant a 201 file but who are of operational interest due to their connection with a target group or organization. (Ibid.)

IDN numbers are no longer used as part of the Agency's records system. (HSCA Deposition of William Larson, 6/27/78, pp. 70-71.)

IDN system dismantled 1964

The 15 November 1974 set of regulations essentially describes the 201 system in much the same manner as the earlier set of regulations, but in much greater detail. The Chief of the CIA's Information Management Staff told the HSCA that the more comprehensive, detailed regulations of

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recent years are in keeping with the evolution
 of the records system and the changes brought
 to bear upon the system by the introduction of
 computers in 1962. (Ibid., p. 71.)

He described three general categories of
 persons on whom 201 files should be opened.
 These include: 1) individuals in whom an operational
 element of the Directorate of Operations has an
 operational interest; 2) individuals in whom a
 counterintelligence interest is expressed; and
 3) individuals for whom at least 5 documents
 or document references are found in the course
 of running a name trace. (Ibid., p. 5.) While
 these regulations are clearly delineated in the
 1974 guidelines, they are probably much the same
 as those that effectively governed 201 file
 openings in 1959. (Ibid., p. 5.) *Correct*

The later regulations do include a section
 on automatic 201 file openings for specific
 categories of individuals in certain foreign
 countries, but there are no specified criteria
 for automatically opening a 201 file on an

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All this
 get
 recognized
 to go
 at
 front.

rule!

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American. (2/28/78 CIA Response to HSCA Request of 2/21/78.) The 1960 handbook has no section on automatic 201 file openings. (Ibid.)

A review of Oswald's 201 file by the HSCA indicates that the file contains some post-assassination documents which state conflicting bases for the file opening. One memorandum, ^{on 18 September} ~~internal~~ written in 1975, states that prior to the assassination, five documents had been sent to the CIA: two from the FBI, two from the State Department and one from the U.S. Navy. (CIA FOIA Document #1188-1000, p. 4.). According to the memorandum, Oswald's 201 file had been opened on 9 December 1960 on the basis of the receipt of the first ^{of five} five documents. (Ibid.) However, the earliest date of any of the documents the Agency claims to have had on file prior to 22 November 1963 was 31 October 1959, the date of the first State Department telegram ^(both) advising of Oswald's defection to the USSR and his offer of information to the Soviets. As previously described, the file also contains several more State Department documents that are

Here is where you might not find list of docs in his file.

How many

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Is it what's relevant here the dates of it

Does received? Let's suggest that there were docs from 1959.

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dated in early November of 1959. The only document from the U.S. Navy that is contained in the file was written in 1962. There are also several FBI documents concerning Oswald dating from 25 May 1960. Therefore, the opening of a 201 file on Oswald on 9 December 1960 still does not appear to correspond to the receipt by the Agency of any one of these early documents.

Another memorandum, ^{also} written the same day, passes this information on from the Counter-intelligence Staff to the Executive Assistant to the Deputy Director of Operations, stating that "Lee Harvey Oswald's 201 file was first opened under the name of Lee Henry Oswald on December 9, 1960 as a result of his "defection" to the USSR on 10/31/59 and renewed interest in Oswald brought about by his queries concerning possible reentry into the United States." (CIA FOIA Document #1187-436). This explanation as to the timing of the file opening also remains open to question as there is no indicatin from State

↑ as when?
 Be explicit.
 You indicated the previous memo on previous page & then discussed a bunch of other stuff

Had he made any queries at that time?

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Department or other agencies' documents that Oswald made any inquiries regarding returning to the United States until at least mid-February of 1961. (Warren Commission Exhibits 931-933, 18 H 131-135.)

Generally, one would be able to determine the specific document that serves as the basis for a 201 file opening by looking at the standard "Field Personality (201) File Request form. Each form contains a section in which the "source document" for the opening of the file is to be referenced. However, Oswald's 201 file opening request proves again to be the exception to the rule. The form which opens his file is dated 9 December 1960 and is from Ann Egerter in CI/SIG. (CIA FOIA Doc #1-1-B.) Instead of citing a particular document as the basis for the file opening, the component "CI/SIG" is referenced as the "source document."

Ann Egerter provided the HSCA with her explanation regarding the opening of Oswald's 201 file. Her initial recollection was that her

What does this mean? There doesn't appear to be any interrelation between the two.
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first knowledge of Oswald came as a result of
 her receipt of a State Department request for
 a list of United States defectors to the Soviet
 Union. (HSCA Staff Interview of CIA Employee,
 3/31/78, p. 5., JFK Class. Doc. #77.) Upon
 receiving this request, she went to various
 departments within the CIA in order to assemble
 a list of defectors on whom she could run name
 traces through RID, the central records index.

Note

(Ibid.) Egarter recalled that, through her RID
 check, she obtained a newspaper clipping on Lee
 Oswald. (Ibid.) After compiling all the informa-
 tion on her list of names, she wrote a memorandum
 in reply to the State Department request with a
 short paragraph on each of the persons she had
 found. (Ibid.) She explained that because the
 project had been so time-consuming, she had opened
 a 201 file on each person. (Ibid.)

In fact, the CIA did receive such a request
 from the State Department in a letter dated 25
 October 1960. The State Department expressed an
 interest in compiling "a complete listing of those

Egarter (3/31/78)

testified that she
 was puzzled that
 the 201 request came

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to her
 in CI/SIG
 said, it should
 have gone
 to Soviet Division

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Americans now living in Bloc countries who might be called 'defectors'" (State Dept. letter, Hugh S. Cumming, Jr. to Richard S. Bissell, 10/25/60, DDP.) The letter defined defectors as follows:

"...those who have either been capable of providing useful intelligence to the Bloc or those whose desire to resettle in Bloc countries has been significantly exploited for communist propaganda purposes. This would mean that no attention need be paid to Americans whose resettlement within the Bloc had no counterintelligence implications or had attracted no particular attention; for instance, this definition would not cover individual U.S. citizens of East European or Chinese origin who returned to the "homeland" because they had never been completely assimilated into the American society." (Ibid.)

However, the State Department attached to the letter

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a list of twelve persons who fit the above-described criteria, *About whom they did have an interest.* The attached list included one Lee Harvey Oswald, who was described as a "tourist." (Ibid.)

Note their positions

This was apparently the same request and list received by Ann Egerter in CI/SIG as the 3 November 1960 interim reply from Bissel to Cummings acknowledging receipt of the 25 October request was written by Birch D. O'Neal, the Chief of CI/SIG and Ann Egerter's immediate supervisor. The CIA's final response to the State Department on 21 November 1960 contains a paragraph of background information on each of the defectors, *including Oswald (?)* which is the same information Mrs. Egerter claims to have prepared in response to the State Department request. This response also contains information regarding two additional defectors whom the Agency wished to bring to the attention of the State Department.

Does this mean who was among these defectors? Need to clarify.

The HSCA conducted a review of the CIA's 201 files on selected American defectors in order to accomplish two purposes with respect to the opening of 201 files. One was specifically to

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Who in State pushed the request?

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check the dates of the 201 file openings on those individuals listed in the 25 October 1960 State Department request in order to verify Ann Egerter's story that the opening of Oswald's 201 file was a result of that request. The other purpose was generally to determine the amount of time that elapsed between the time an American citizen defected to a Bloc country and the date that the CIA would open a 201 file on that individual.

A 201 file review of those persons appearing on the State Department's list essentially confirmed Egerter's story. Of the twelve persons listed by the State Department, the Agency was able to locate 201 files on all but one person, one Sgt. (FNU) Jones. The file review revealed that 201 files had been opened on six of the remaining eleven individuals prior to the Agency's 21 November 1960 response to the State Department. Ann Egerter opened 201 files on the five remaining individuals on the list during the month of December 1960. In each of

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these cases, which included Lee Harvey Oswald, CI/SIG was cited as the "source document" in the 201 file opening request.

Run on sentence

The other aspect of the file review was to determine the CIA's standard procedure with respect to opening 201 files on American defectors. In order to assess whether the delay between Oswald's defection and the opening of his 201 file was exceptional, or, if, in fact, this type of delay was a common occurrence, This review included the fourteen defectors listed in the CIA's 21 November 1960 response to the State Department. In addition, the Committee reviewed the files of the defectors as described in Issue #1.

12

Do #1 match previous page?

In the case of the thirteen persons on whom files were located from the 21 November 1960 response, the CIA had opened 201 files on four of the defectors prior to their defection. In only three of the remaining nine cases were files opened on individuals at the time of their defection. Each of these cases was highly publicized. One of

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the cases was Robert E. Webster, a plastics expert employed by the Rand Development Corporation in Cleveland, Ohio who defected to the Soviet Union in October 1959 after representing his company at the American Exhibition in Moscow that summer. The other two were Bernon F. Mitchell and William H. Martin, both employees of the National Security Agency, whose appearance in Moscow in September 1960 was a cause of great concern due to their access to classified information. In another instance, the CIA opened a 201 file about 3½ months after a U.S. Army man who was stationed with a military intelligence group in West Germany defected to the USSR through East Germany. The five remaining persons on whom Ann Egarter opened 201 files in December 1960 had all defected from four to seventeen months prior to the time these files were opened.

How did we select these 16 for review?

The HSCA reviewed the 201 files of sixteen other defectors with similar results. ^{FN} Only one of these persons' 201 files was opened at the time of defection. ^{FN} Four persons, all of whom were

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of course, these
not all of these
people may have
served a
CIA
thrust.

associated with Communist Party activities in the United States, were the subjects of 201 files that had been opened prior to their travels to Soviet bloc countries. ^{FN} 201 files on the remaining defectors were opened after their defection. ^{FN} In most of these cases, the files were opened several years after the individual had defected and these openings seemed to bear little or no relation to the actual act of defecting. ^{FN}

Overall, this review of the 201 files of Americans defecting to Communist bloc countries revealed that the act of defection initiated the immediate opening of a 201 file in very few cases. In some instances, such as the files that Ann Egerter opened in response to the State Department request, the underlying basis for opening the file was the fact that the person was considered to be a defector. In other cases, the CIA would open a file when an American defector expressed an interest in returning to the United States. Finally, in many of the cases, the existence of a 201 file had nothing to do with the fact that the subject of

LHO
however
defection
plus
offering
to give
Soviets
"Special
information"

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the file had even defected. Instead, these files were opened because the Agency either had a prior interest in the individual or, in cases where the file was opened long after the person's defection and subsequent return to the United States, because the CIA received information which made the former defector of interest, but within a wholly different context.

Although there was a thirteen month delay between the time of Lee Harvey Oswald's defection to the Soviet Union and the time that the CIA opened a 201 file on him, the HSCA concluded that several different factors contribute to an explanation as *Crap* to why this delay was not an unusual occurrence.

Explain
no *?*
 While an examination of the files reveals that the CIA had received some of the early documents advising of Lee Harvey Oswald's defection and his offer of military information to the Soviets, it is unclear whether these incoming documents reached a component that would have had responsibility and authority for opening a 201 file. The dissemination of incoming documents is unclear and remains impossible

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irrelevant → to determine at this point in time because
→ whatever dissemination records were once main-
tained would have since been destroyed in keeping
with standard regulations governing records retention.

** Correct* → The evidence suggests that the information was
received by the Office of Security, a component
which would not have been responsible either for
opening a 201 file or for passing along the
information. ^{PN} If a component within the Clandestine
Service did receive this information, then it
failed to act accordingly by initiating the
opening of a 201 file on a person who posed a
potential counterintelligence threat.

Regardless of which component received the
information concerning Oswald, it appears that the
regulations for opening a 201 file at that time
were sketchy at best. The first written regulations
on the subject did not appear until 15 February
1960 and these did not go into detail regarding
the specific criteria for opening a 201 file. Nor
do there appear to be any particular instances in
which a 201 file would automatically have been
opened during that time period.

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association with Communist Party activities. However, in the vast majority of cases, 201 files were opened at some point long after a given person's defection to a Communist bloc country. Generally, the file opening occurred some years after the person's defection and in many cases, the existence of a 201 file appeared to bear little or no relation to the fact that the individual had ever defected.

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